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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 November 2005</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31,33-78 and 80-110* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31,33-78 and 80-110* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The following is a Final office action in response to communications received 11/08/05.

Claims 1-2, 4-8, 11, 14, 22, 26, 30-31, 33-37, 40, 43, 63, 65, 67, 80, 81, 86, 92-93, and 95 have

been amended. Claims 3, 32, and 79 have been canceled. Claims 1-2, 4-31, 33-78, and 80-110

are pending in this application.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-2, 4-31, 33-78, and 80-110 have been

considered but are moot in view of the new grounds of rejection, necessitated by amendment.

Claim Objections

3.   Claim 2, 60, and 89 are objected to because of the following informalities:

    i.   Claim 2 recites "said a segment of a sequence", which should more appropriately

be --said segment of a sequence--.

    ii.   Claim 60 recites "ands" which should more appropriately be --and--.

    iii.   Claim 89 depends from claim 79, which has been cancelled. Therefore, claim 89

should more appropriately depend from claim 63.

    Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

    Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

Claim 4 recites "with regard to a defined relation to said at least a segment". It is unclear as to which segment this limitation is referring, the initial segment of the sequence of questions or the subsequent segments of the sequence of questions. Clarification is required.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (U.S. 6,618,734) in view of Turnasella (U.S. 2003/0145015).

As per claim 1, Williams et al. teaches a computer-implemented method for surveying a user with a tailored sequence of questions, comprising the steps of:

presenting a segment of the sequence of questions to said user, the user answers to said segment being pertinent in determining an affinity of said user to at least one affinity group, wherein the affinity group comprises a plurality of profiles (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein a first set of questions is asked of the user so that the user is matched with a work group having similar characteristics to the user, the group including multiple profiles (for positions));

creating a profile for said user or adding to the profile for said user based on said user's answers to said segment (See column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein data is collected concerning a user during an interview process, this data outlining

and summarizing the data associated with the user so that it can be passed on to a client/employer);

performing at least one of associating said user profile to at least one affinity group and creating at least one new affinity group and associating said user profile with said new affinity group (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein the user is associated with at least one grouping of job positions based on his/her answers to questions);

causing a subsequent segment of said sequence of questions to be presented to said user, the selection of said subsequent segment to be influenced by at least one of an answer received to a previously presented question in said sequence of questions and an affinity group to which said user profile is correlated by said method (See figure 3, column 2, line 65-column 3, line10, column 7, lines 15-40 and 49-65, and column 8, lines 5-32, wherein subsequent sets of questions are asked of the user based on his/her association with profiles of groups in the system);

the questions being pertinent to at least one of compensation, benefits, wages, and economic analysis (See column 4, lines 60-65, column 9, lines 50-56, column 10, lines 5-20, wherein the questions are pertinent to salary reports and other work related reports).

Further, the step of optionally repeating the steps above until all possible questions of said sequence of questions have been presented to and answered by said user is not positively recited and therefore would not occur in the methodology of the claims. Therefore, it has received no patentable weight.

However, Williams et al. does not expressly disclose that said user profile is comprised of said questions and corresponding answers or storing said user profile.

Turnasella discloses that said user profile is comprised of said sequence of questions and corresponding answers and storing said user profile (See paragraphs 0006, 0031-0033, 0044, 0048, 0055, wherein the data that is entered by user in response to predefined fields is stored in the system as a user profile. Therefore the question (i.e. wage?) and the answer (i.e. the inputted amount) are stored in the database as the user's profile).

Both Williams et al. and Turnasella disclose systems wherein information is collected via a computer interface and associated with a user. Both systems concern the labor industry. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to store the profile information gained in Williams et al. along with the questions that elicited the data in order to more accurately track the user's interactions with the system by maintaining more complete records concerning each user. See column 2, lines 10-15 and 50-60, and column 6, lines 50-60, of Williams et al. wherein a goal of the system is collect candidate information and track the candidate.

As per claim 2, Williams et al. teaches wherein said question is comprised of a set comprising at least one question group that forms a logical grouping of questions (See column 7, lines 5-25, 40-50, column 8, lines 10-30, wherein sets of questions are grouped together and presented in predefined sequences. See also column 10, lies 45-60). However, Williams et al. does not expressly grouping of question fields into a single record.

Turasella teaches grouping question fields into a single record (See paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055, wherein the questions are grouped into a record).

Both Williams et al. and Turnasella disclose systems wherein information is collected via a computer interface and associated with a user. Both systems concern the labor industry.

Williams et al. specifically discloses sets of questions logically grouped together. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to store theses question fields into a single record in order to more efficiently manage the routing of questions and presentation to the user.

As per claim 4, Williams et al. discloses wherein said at least subsequent segment of said questions is presented at least with regard to a defined relation to said at least a segment (See figure 3, column 2, line 65-column 3, line10, column 7, lines 15-40 and 49-65, and column 8, lines 5-32, wherein subsequent questions are presented based on predefined relationships to first set of questions and associated answers).

As per claims 5-7, Williams et al. does not expressly disclose and Turnasella discloses wherein said at least one corresponding answer comprises an open text (See at least figures 9 and 17-18, paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055, wherein text is entered) and wherein said open text allows said user to add a new answer value for said at least one corresponding answer, wherein said new answer is used as one of said respective answers when said at least one question is subsequently posed to a second user (at least 0055, wherein the new answer is used in later surveys).

Both Williams et al. and Turnasella disclose systems wherein information is collected via a computer interface and associated with a user. Both systems concern the labor industry. Williams et al. discloses an interface for collecting answers to a questions in order to determine if a candidate is qualified for a position. Using open-text questions and fields is well known in computer interfaces. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use open text boxes in order to more accurately evaluate a candidate

for a job position by having more information with which to validate the candidate's qualifications. See column 3, line 65-column 4, lines 15, which discuss the validation of a candidate by matching the candidates answers to a task description.

As per claim 8, Williams et al. teaches wherein a question comprises at least two possible answers (See column 2, line 50-column 3, line 10, column 6, lines 50-65column 7, lines 5-30, wherein different answers are received for the questions).

As per claim 9, Williams et al. teaches wherein said user may select more than one answer to said question (See column 2, line 50-column 3, line 10, column 6, lines 50-65column 7, lines 5-30, wherein the user may enter multiple skills/qualifications or multiple locations, etc.).

As per claim 10, Williams et al. teaches wherein said at least two possible answers are presented because of at least a defined relation to said at least one question (See column 2, line 50-column 3, line 10, column 6, lines 50-65column 7, lines 5-30, wherein the user may enter multiple skills/qualifications or multiple locations, etc.).

As per claim 11, Williams et al. teaches wherein said method further comprises the step of: filtering said user's profile, wherein said filtering comprises the application of a rules engine that compares said user profile to a set of predefined criteria (See column 2, line 35-50, column 4, lines 10-19, column 5, lines 55-67, column 8, lines 25-45, wherein the user's profile is sorted by the system using predefined criteria stored in the system).

As per claim 12, Williams et al. discloses wherein said filtering step is performed in at least one of real-time; and batch mode (See column 8, lines 25-45, wherein the user is sorted upon completion of the questions).

As per claim 13, Williams et al. discloses wherein said filtering step further comprises the step of: modifying an answer to said question based on at least consistency with answers of said affinity group (See column 7, lines 5-25, wherein the user modifies an answer).

As per claim 14, Williams et al. teaches wherein said modification comprises at least consistency with answers of said affinity group (See column 7, lines 5-25, wherein the user modifies an answer).

As per claims 15-17, discloses a method further comprising the steps of periodically creating a new affinity group and associating at least one user to said new affinity group and a user creating a new affinity group and associating matching user profiles with said new affinity group (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein the user is associated with at least one grouping of job positions based on his/her answers to questions. See column 8, lines 15-50, wherein a group of best matches is formed).

As per claim 18, Williams et al. teaches a method further comprising the step of: providing a report (See column 4, lines 60-65, column 9, lines 50-56, column 10, lines 5-20, wherein the questions are pertinent to salary reports and other work related reports. See also column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein a client/employer is given a report of potential hires).

As per claim 19, Williams disclose a method wherein generation of said report is constrained by at least a reporting goal (See column 4, lines 60-65, column 9, lines 50-56, column 10, lines 5-20, wherein the questions are pertinent to salary reports and other work related reports, wherein the data used is related to the need of the report. See also column 2,

lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein again the data used is related

to the need of the report).

As per claim 20, Williams et al. teaches a method wherein said goal comprises at least a

profile attribute value (See column 4, lines 60-65, column 9, lines 50-56, column 10, lines 5-20,

wherein the questions are pertinent to salary reports and other work related reports, wherein the

data used is related to the need of the report. See also column 2, lines 20-40, column 6, lines 50-

60, column 8, lines 40-50, wherein again the data used is related to the need of the report).

As per claim 21, Williams et al. teaches a method further comprising the step of:

weighting said constraints to provide a match score (See column 2, lines 20-40, column 6, lines

50-60, column 8, lines 40-50).

As per claim 22, Williams et al. teaches said step of providing said report comprising the

step of matching between at least a matchfield of said goal and a corresponding matchfield of at

least one of: an affinity group; and a user profile (See also column 2, lines 20-40, column 6, lines

50-60, column 8, lines 40-50, wherein the user profile is matched to the goal and a report is

provided to the client/employer if the user matches) and generating a match score (See column 4,

lines 10-19, column 8, lines 20-45, column 9, lines 35-45, wherein the user is scored).

As per claim 23, Williams et al. teaches a method further comprising the step of

determining at least one best match from a plurality of possible matches (See column 2, lines 60-

column 3, line 10, column 8, lines 28-40, column 5, line 65-column 6, line 5, column 8, lines 40-

45, wherein best matches are determined).

As per claim 24, Williams et al. discloses a method further comprising the step of:

arranging matches by order of match score, said order being grouped to at least two levels of

matches, based on said score (See column 4, lines 10-19, column 8, lines 20-45, column 9, lines 35-45, wherein the user is scored. The user is either considered a best match and ranked or is considered not suited for the position).

As per claim 25, Williams et al. discloses said step of matching further comprising the step of: providing an aggregated score for said matching step; and weighting the importance of including said match in said report (See column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50).

As per claim 26, Williams et al. discloses said step of matching further comprising the step of: classifying each match score as one of: deterministic to meeting said goal; and non-deterministic to meeting said goal (See column 4, lines 10-19, column 8, lines 20-45, column 9, lines 35-45, wherein the score reflects is the user satisfies the criteria and thus the score determines that the user is hirable).

As per claim 27, Williams et al. teaches a method wherein said goal is a personal goal, wherein the personal goal is a result of a plurality of user inputs pertaining to personal aspirations (See column 4, lines 10-19, column 8, lines 20-45, column 9, lines 35-45).

As per claim 28, Williams et al. teaches wherein aggregated information comprises statistical information (See column 4, lines 10-35, column 9, lines 35-45 and 50-65, and column 10, lines 5-20, wherein statistical information is compiled).

As per claim 29 Williams et al. teaches wherein a report comprises: resulting from a personal goal a comparison of a user having said user profile to at an affinity group (See column 4, lines 10-19, column 8, lines 20-45, column 9, lines 35-45, wherein the user is compared to an affinity group).

Claims 30-46 recite equivalent limitations to claims 1-17, respectively, and are rejected using the same art and rationale as applied above.

As per claim 47, Williams et al. teaches wherein said affinity group comprises at least profession and geographic location (See figure 3 and column 7, lines 5-25, wherein the group is associated with a geographic location).

As per claim 48, Williams et al. teaches the step of: providing a compensation report (See column 4, lines 60-65, and column 10, lines 10-20, wherein a compensation report is provided that reflects costs and benefits).

As per claim 49, Williams et al. teaches said compensation report is constrained by a reporting goal (See column 4, lines 60-65, and column 10, lines 10-40, wherein the report is constrained by factors set forth by the employer/client).

As per claim 51, Williams et al. teaches said goal comprising at least a desired compensation (See column 4, lines 60-65, and column 10, lines 10-20, which discusses compensation).

Claims 50, 52-57, 59, and 61 recite equivalent limitations to claims 21, 22-27, 28, and 29, respectively, and are rejected using the same art and rationale as applied above.

As per claim 58, Williams et al. teaches said personal goal comprising at least compensation (See column 4, lines 60-65, and column 10, lines 10-20, which discusses compensation).

As per claim 60, Williams et al. teaches wherein statistical information comprises at least average compensation (See column 4, lines 60-65, and column 10, lines 10-20, which discusses compensation).

As per claim 62, Williams et al. teaches wherein said compensation comprises at salary (See column 10, lines 5-35, wherein average salary is considered). However, Williams et al. does not disclose that this is annual salary.

Turnasella teaches annual salary (See paragraphs 0049 and 0050 and figure 9, which discloses such salary information).

Both Williams et al. and Turnasella disclose systems wherein information is collected via a computer interface and associated with a user. Both systems concern the labor industry. Representing salaries in terms of per year is well known in the labor industry. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use annual salary for the salary data in order to more consistently measure compensation using terms used by most employers.

As per claim 63, Williams et al. teaches an apparatus for compensation surveying and reporting by presenting a tailored sequence of questions to a user, comprising:

means for accessing the system via a network, wherein the network is the Internet (See column 2, lines 50-60, column 5, lines 40-55, which disclose the Internet).

means for surveying the user for information pertinent for determination of employment, said means for surveying presenting a segment of a sequence of questions to said user and, upon determination of an affinity group of said user, presenting a subsequent segment of said sequence of questions determined to be most suitable for said user (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein a first set of questions is asked of the user so that the user is matched with a work group having similar characteristics to the user, the group including multiple profiles (for positions));

salary levels per job position (See column 10, lines 10-35);

means for creating a user profile for said user based on gathering of said information (See column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein data is collected concerning a user during an interview process, this data outlining and summarizing the data associated with the user so that it can be passed on to a client/employer);

means for periodically generating an affinity group comprising a plurality of user profiles, the affinity group being determined as a result of a correlation between a plurality of profiles (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein the user is associated with at least one grouping of job positions based on his/her answers to questions. See column 8, lines 15-50, wherein a group of best matches is formed); and

means for matching an attribute of said user profile with at least one affinity group (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein the user is associated with at least one grouping of job positions based on his/her answers to questions);

the questions being pertinent to at least one of compensation, benefits, wages, and economic analysis (See column 4, lines 60-65, column 9, lines 50-56, column 10, lines 5-20, wherein the questions are pertinent to salary reports and other work related reports).

However, Williams et al. does not expressly disclose a Web site being accessed, determination of compensation based on the job position, that said user profile is comprised of said questions and corresponding answers, or storing said user profile.

Turnasella discloses a Website accessed via a network (See at least figures 1 and 17 and

paragraphs 0006, 0029-0031, 0048, 0055, and 0057), determination of compensation (See at

least paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055, wherein at least one question

is presented to a group of users with similar backgrounds to determine compensation), and that

said user profile is comprised of said sequence of questions and corresponding answers and

storing said user profile (See paragraphs 0006, 0031-0033, 0044, 0048, 0055, wherein the data

that is entered by user in response to predefined fields is stored in the system as a user profile.

Therefore the question (i.e. wage?) and the answer (i.e. the inputted amount) are stored in the

database as the user's profile).

Both Williams et al. and Turnasella disclose systems wherein information is collected via

a computer interface and associated with a user. Both systems concern the labor industry.

Specifically, Williams et al. presents a sequence of questions to a user to collect data about the

user and associate the user with groups based on this data. The group with which the user

matches allows the user to be hired for a position. Williams et al. also discloses the system being

implemented on the internet. A website is a well-known interface on the Internet. Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention to use a

website and to store the profile information gained in Williams et al. along with the questions

that elicited the data in order to more efficiently and accurately track the user's interactions with

the system by maintaining more complete records concerning each user. See column 2, lines 10-

15 and 50-60, and column 6, lines 50-60, of Williams et al. wherein a goal of the system is

collect candidate information and track the candidate. It would have been further obvious to one

of ordinary skill in the art at the time of the invention to associate the job position of Williams et

al. with compensation in order to more accurately inform the user of the job position, thus

allowing the user to continue with the process based on complete information. See column 7,

lines 35-50, of Williams, wherein the user determines if he/she is interested in pursuing a

position based on the job description.

As per claim 64, Williams et al. teaches an apparatus further comprising: means for

selecting at least one affinity group to which said user profile best matches (See figure 3, column

2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25,

wherein the user is associated with at least one grouping of job positions based on his/her

answers to questions).

As per claim 65, Williams et al. teaches an apparatus wherein said network comprising at

least the Internet (See column 2, lines 50-60, column 3, lines 25-30, column 5, lines 40-50).

As per claim 66, Williams et al. teaches an apparatus further comprising: means for

reporting results based on a reporting goal (See column 8, lines 25-50, wherein the best

candidates are reported).

As per claim 69, Williams et al. teaches said reporting goal comprises total compensation

calculations (See column 4, lines 60-65, and column 10, lines 10-46, wherein a compensation

report is provided that reflects costs and benefits).

Claims 67, 68, 70, 71, 72 73, 77, 78, and 80 recite equivalent limitations to claims 22, 26,

47, 62, 27, 58, 28, 60, and 8, respectively, and are rejected using the same art and rationale as

applied above.

As per claims 74 and 75, Williams teaches an external or a personal goal in connection

with said user profile (See column 2, lines 20-30, 50-65, column 7, lines 35-60, column 8, lines

5-15 and 25-50, wherein the user desires a job position in which he/she is interseted). However, Williams et al. does not expressly disclose that the personal goal or external goal comprise likes of said user.

Williams et al. discloses a system wherein a user answers questions in an effort to obtain a employment position in which he/she is interested. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that the position of interest of Williams et al. selected to be pursued would be associated with likes of the user in order to more accurately match a specific user to a job he/she would be good at and stick with. See column 10, lines 5-15, wherein the system is concerned with turnover rates.

As per claim 76, Williams et al. wherein said reporting goal provides aggregated information pertaining to a plurality of user profiles (See column 4, lines 60-65, column 9, lines 50-56, column 10, lines 5-20, wherein the questions are pertinent to salary reports and other work related reports, wherein the data used is related to the need of the report. See also column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein again the data used is related to the need of the report).

As per claim 81, Williams et al. teaches wherein said possible answers are a subset of a plurality of answers, wherein said subset being selected at least in respect of at an affinity group associated with said user profile (See column 7, lines 5-25, 40-50, column 8, lines 10-30, and column 10, lines 45-60, wherein answers received are a subset of answers that are possible to be received, wherein answers are associated with the group).

As per claim 82, Williams et al. teaches wherein said user may select at least one answer to said question (See column 7, lines 5-32 and 45-60, column 8, lines 10-40, wherein the user answers questions).

Claims 83-85 recite equivalent limitations to claims 5-7, respectively, and are therefore rejected using the same art and rationale as applied in the rejections of claims 5-7, respectively.

As per claim 86, Williams et al. teaches wherein a subsequent question is selected for presentation to said user from a plurality of possible questions (See figure 3, column 7, lines 5-32 and 40-60, column 8, lines 10-40, wherein a set of questions is presented from various sets stored in the system).

As per claim 87, Williams et al. discloses wherein said selection from a plurality of possible question is tailored to correspond with said user profile (See figure 3, column 7, lines 5-32 and 40-60, column 8, lines 10-40, wherein the set of questions is presented based on user information).

As per claim 88, Williams et al. teaches wherein upon selection of an answer by said user, said user profile is associated with an affinity group (See figure 3, column 7, lines 5-32 and 40-60, column 8, lines 10-40, wherein answers, such as location, phone number, answers to qualification questions, associate the user with groups similar to the user).

As per claims 89-90, Williams et al. does not expressly disclose and Turnasella discloses enabling said user to add a new question and said user may add a new answer to said question (See at least 0055, wherein a new question and answer is used in later surveys).

Both Williams et al. and Turnasella disclose systems wherein information is collected via a computer interface and associated with a user. Both systems concern the labor industry.

Williams et al. discloses an interface for collecting answers to a questions in order to determine if a candidate is qualified for a position. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow the questions and answers to be modified when a job position has different tasks and descriptions in order to more accurately evaluate a candidate for a job position by having proper information with which to validate the candidate's qualifications. See column 3, line 65-column 4, lines 15, which discuss the validation of a candidate by matching the candidates answers to a task description.

As per claim 91, Williams et al. discloses wherein said affinity groups are created based on at least a commonality between at least one attribute and at least one corresponding value (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein the user is associated with at least one grouping of job positions based on his/her answers to questions).

As per claim 92, Williams et al. teaches a computer implemented method for surveying, using survey questions tailored to a user comprising the steps of:

asking a question from the user, the question being pertinent to the determination of employment of said user (See figure 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25, wherein a first set of questions is asked of the user so that the user is matched with a work group having similar characteristics to the user, the group including multiple profiles (for positions));

salary levels per job position (See column 10, lines 10-35);

receiving an answer from said user (See column 2, lines 50-65, column 6, lines 30-35 and

50-60, column 7, lines 5-25, column 8, lines 15-30 and 40-50, wherein the user answers the

questions);

creating a user profile for said user based on gathering of said information (See column 2,

lines 20-40, column 6, lines 50-60, column 8, lines 40-50, wherein data is collected concerning a

user during an interview process, this data outlining and summarizing the data associated with

the user so that it can be passed on to a client/employer);

adding said user profile to at least one matching affinity group, the affinity group being

determined as a result of a correlation between a plurality of profiles (See figure 3, column 2,

lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, column 7, lines 5-25,

wherein the user is associated with at least one grouping of job positions based on his/her

answers to questions. See column 8, lines 15-50, wherein a group of best matches is formed);

modifying an answer if it is inconsistent with at least said affinity group (See column 7,

lines 5-25, wherein an answer may be changed if no group matches);

determining an appropriate next question to be presented to said user, said appropriate

question being determined based on at least one of said matching affinity group and an answer to

a previously presented question (See figures 3-4, column 7, lines 5-25, 30-50, column 8, lines 5-

20 and 30-50, and column 10, lines 45-60, wherein the system asks tiers of questions); and

repeating the foregoing steps until a full profile is established (See figures 3-4, column 7,

lines 5-25, 30-50, column 8, lines 5-20 and 30-50, and column 10, lines 45-60).

Further, the step of optionally filtering is not positively recited and therefore would not

occur in the methodology of the claims. Therefore, it has received no patentable weight.

However, Williams et al. does not expressly disclose determination of compensation based on the job position, that said user profile is comprised of said questions and corresponding answers, or storing said user profile.

Turnasella discloses determination of compensation (See at least paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055, wherein at least one question is presented to a group of users with similar backgrounds to determine compensation), and that said user profile is comprised of said sequence of questions and corresponding answers and storing said user profile (See paragraphs 0006, 0031-0033, 0044, 0048, 0055, wherein the data that is entered by user in response to predefined fields is stored in the system as a user profile. Therefore the question (i.e. wage?) and the answer (i.e. the inputted amount) are stored in the database as the user's profile).

Both Williams et al. and Turnasella disclose systems wherein information is collected via a computer interface and associated with a user. Both systems concern the labor industry. Specifically, Williams et al. presents a sequence of questions to a user to collect data about the user and associate the user with groups based on this data. The group with which the user matches allows the user to be hired for a position. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to store the profile information gained in Williams et al. along with the questions that elicited the data in order to more efficiently and accurately track the user's interactions with the system by maintaining more complete records concerning each user. See column 2, lines 10-15 and 50-60, and column 6, lines 50-60, of Williams et al. wherein a goal of the system is collect candidate information and track the candidate. It would have been further obvious to one of ordinary skill in the art at the time of the invention to associate the job position of Williams et al. with compensation in order to more

accurately inform the user of the job position, thus allowing the user to continue with the process based on complete information. See column 7, lines 35-50, of Williams, wherein the user determines if he/she is interested in pursuing a position based on the job description.

As per claim 93, Turnasella teaches a method further comprising the steps of: at least periodically checking all user profiles; and attempting to generate an affinity group, wherein said affinity group comprises at least a user profile (See column 8, lines 30-50, wherein a best match group is created).

As per claim 97, Williams et al. discloses a method further comprising the step of: querying any of a database of a plurality of user profiles and a database of a plurality of affinity groups for a statistical report (See column 4, lines 10-35, column 9, lines 35-45 and 50-65, and column 10, lines 5-20, wherein statistical information is compiled).

Claims 94, 96, and 98 recite equivalent limitations to claims 19, 10, and 60, respectively, and are therefore rejected using the same art and rationale as applied above.

As per claim 95, the step of optionally filtering is not positively recited and therefore would not occur in the methodology of the claims. Therefore, it has received no patentable weight.

As per claim 99, Williams et al. teaches the step of: generating said statistical report with at least one of said attributes held constant (See column 4, lines 10-35, column 9, lines 35-45 and 50-65, and column 10, lines 5-20, wherein statistical information is compiled).

Claims 100-102, 103-108, 109, and 110 recite equivalent limitations to claims 19-21, 23-28, 60, and 29, respectively, and are rejected using the same art and rationale as applied above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Cotter (U.S. 2004/0107112) teaches a system for screening job seekers by having the

seeker respond to a series of questions and obtaining additional information about the seeker

once it is determined he/she is qualified.

Thomsen (U.S. 6,862,596) teaches storing and retrieving data concerning economic data,

salaries, and benefits.

Callahan et al. (U.S. 2003/0046140) teaches market research service via a network,

wherein questions are used to elicit information using techniques such as branching and dynamic

questioning.

Hamlin et al. (U.S. 6,477,504) teaches surveying techniques, including branching questions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bvd

January 20, 2006

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